

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.9085 of 2020

- Manoj Yadav S/o Puniram Yadav Aged About 26 Years R/o Dharashiv, Police Station Bilaigarh, Balodabazar, District Balodabazar Bhatapara Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Bhatgaon, District Balodabazar Bhatapara Chhattisgarh

---- Non-applicant

For Applicant : Ms. Shivali Dubey, Advocate.

For Non-applicant/State : Ms. Smita Jha, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-02-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 16.09.2020, in connection with Crime No.185/2020 registered at Police Station-- Bhatgaon District- Balodabazar- Bhatapara, C.G. for offence punishable under Sections 366 and 376 of I.P.C. and Section 4 of POCSO Act and Section 67(a) of I.T. Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The allegations in the F.I.R. lodged and the statement of the prosecutrix are totally false. The applicant is in jail since 16.09.2020, hence, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that the F.I.R. and the statement of prosecutrix clearly shows the allegation of commission of offence of abduction and rape

committed by the applicant. Therefore, he is not entitled for grant of bail.

4. The prosecutrix is present before this Court on notice, she has submitted that she has no objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, the prosecutrix and the applicant got acquainted with each other and then, the applicant approached her stating that he loves her. The applicant and the prosecutrix started having physical relation from January, 2019 which continued uptill August, 2020. It is alleged that this applicant then started threatening the minor prosecutrix that he has prepared a video of the act in his mobile and he will make that video viral. Hence, the F.I.R. was lodged.
7. Considered on the submissions, there appears to be no seizure made in the investigation regarding any video from the mobile of the applicant and further, the prosecutrix herself, who is the complainant has no objection in grant of bail to the applicant, therefore, the application is allowed.
8. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with two local surety each in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge